

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
WICHITA FALLS DIVISION**

FRANCISCAN ALLIANCE, INC.;  
SPECIALTY PHYSICIANS OF  
ILLINOIS, LLC;;  
CHRISTIAN MEDICAL &  
DENTAL ASSOCIATIONS;

- and -

STATE OF TEXAS;  
STATE OF WISCONSIN;  
STATE OF NEBRASKA;  
COMMONWEALTH OF  
KENTUCKY, by and through  
Governor Matthew G. Bevin;  
STATE OF KANSAS; STATE OF  
LOUISIANA; STATE OF  
ARIZONA; and STATE OF  
MISSISSIPPI, by and through  
Governor Phil Bryant,

*Plaintiffs,*

v.

THOMAS E. PRICE, Secretary  
of the United States Department of  
Health and Human Services; and  
UNITED STATES DEPARTMENT OF  
HEALTH AND HUMAN SERVICES,

*Defendants.*

**BRIEF IN SUPPORT OF  
PLAINTIFFS' MOTION FOR  
SUMMARY JUDGMENT**

Civ. Action No. 7:16-cv-00108-O

### **ARGUMENT**

Plaintiffs adopt and incorporate by reference, as if fully stated herein, the arguments and evidence—consisting of the same evidence submitted to the Court at the preliminary injunction stage—presented in support of their prior motions for partial summary judgment and preliminary injunction, ECF Nos. 22, 23, 24, 25, 26, 37, 56, 56-1, 57, 57-1, and 60 and ask the Court to consider those submissions in support of this Motion.

### **CONCLUSION**

Plaintiffs respectfully request that the Court issue a permanent injunction against the Rule and enter final judgment in their favor and against Defendants.

Respectfully submitted this the 14th day of March, 2017.

/s/ Luke W. Goodrich

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*OF KENTUCKY, by and through*

*Governor Matthew G. Bevin;*

*STATE OF KANSAS; STATE OF*

*LOUISIANA; STATE OF ARIZONA; and*

*STATE OF MISSISSIPPI, by and through*

*Governor Phil Bryant*

**CERTIFICATE OF SERVICE**

I hereby certify that on March 14, 2017, I electronically filed the foregoing document through the Court's ECF system, which automatically serves notification of the filing on counsel for all parties.

/s/ Austin R. Nimocks  
AUSTIN R. NIMOCKS